

RECEIVED
CENTRAL FAX CENTER

APR 09 2009
Atty. Docket: 2797 (203-3175 PCT US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Russell Heinrich

EXAMINER: Michael G. Mcndoza

SERIAL NO.: 10/510,451

ART UNIT: 3734

FILED: October 4, 2004

DATED: April 9, 2009

FOR: SURGICAL STAPLER AND METHOD

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND INTERVIEW SUMMARY

Sir:

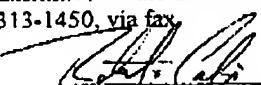
In response to the Rule 312 Communication mailed on March 18, 2009, please consider the following:

Remarks begin on page 2 of this paper.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being transmitted on the date below with the United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, via fax.

Dated: April 9, 2009


Roberto Colón

Application No.: 10/510,451
Filing Date: October 4, 2004
Attorney Docket No.: 2797 (203-3175 PCT US)
Page 2 of 3

RECEIVED
CENTRAL FAX CENTER
APR 09 2009

REMARKS

The above-identified application has been reviewed in light of the Rule 312 Communication mailed on March 18, 2009. Claims 1-4, 7-31, 47-51, 55-66 and 75 are currently pending. Reconsideration of the present application is respectfully requested.

On June 6, 2008, Applicants filed an Amendment after Allowance under 37 C.F.R. § 1.312.

On March 18, 2009, a communication was mailed by the U.S. Patent Office indicating that the June 6, 2008 Amendment was considered but disapproved or denied entry because the amendment was incomplete as no amendments to claims 1, 2, 4, 16-18, 56 and 59 were found.

On April 6, 2009, Applicants' representative, Roberto Colón, conducted an interview with Examiner Michael G. Mendoza. In the interview, Applicants' representative explained to Examiner Mendoza that Applicants had an Electronic Acknowledgement Receipt evidencing that the amendments to claims 1, 2, 4, 16-18, 56 and 59 were included in the Amendment. Examiner Mendoza then suggested faxing the entire Amendment in conjunction with the Electronic Acknowledgement Receipt to his direct fax number (571-273-4698) and to the USPTO general fax number (571-273-8300).

Accordingly, per the Examiner's suggestion, Applicants submit herewith a copy of the Amendment of June 6, 2008 and a copy of the Electronic Acknowledgement Receipt.

Since the Electronic Acknowledgement Receipt demonstrates that the Amendment included amendments to claims 1, 2, 4, 16-18, 56 and 59, Applicants respectfully request entry of the claim amendments set forth in the Amendment of June 6, 2008.

Application No.: 10/510,451
Filing Date: October 4, 2004
Attorney Docket No.: 2797 (203-3175 PCT US)
Page 3 of 3

It is respectfully submitted that the amendments to claims 1, 2, 4, 16-18, 56 and 59 do not add new matter, and it is respectfully requested that these claim amendments be entered prior to issuance and publication of the above-identified matter.

Should the Examiner believe that a telephone interview may facilitate resolution of any remaining matters, the Examiner is respectfully requested to contact Applicants' undersigned attorney at the telephone number indicated below.

Respectfully submitted,



Roberto Colón
Reg. No. 58,651
Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road - Suite 420
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526

Send correspondence to:
Chief Patent Counsel
Covidien
60 Middletown Avenue
North Haven, Connecticut 06473